

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PEDRO RODRIGUEZ,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 1:20-cv-00944-DAD-JLT (PC)

**ORDER REGARDING *IN FORMA*
PAUPERIS STATUS ON APPEAL**

Plaintiff is a state prisoner who proceeded *in forma pauperis* in this closed action. On August 24, 2021, the Court dismissed this case for Plaintiff's failure to obey court orders. (Doc. 24.) On September 2, 2021, Plaintiff filed a notice of appeal. (Doc. 26.) On September 7, 2021, the Ninth Circuit Court of Appeals referred the matter back to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal. (Doc. 29.)

The Court finds that this appeal is not taken in bad faith and is not frivolous. The Court dismissed this case without prejudice because Plaintiff failed to obey court orders directing him to file an amended complaint within the time provided by the Court. (Doc. 24.) Prior to the dismissal, Plaintiff requested several extensions of time to file an amended complaint. (Docs. 9, 11, 13, 19.) While the Court granted the first two requests, (Docs. 10, 12), it denied the third and fourth requests because it found that Plaintiff failed to show good cause for further extensions of time, (Docs. 14, 20, 29). Though the Court found that the denials were justified, (*id.*), it does not

1 find that Plaintiff's contention otherwise is completely devoid of any basis in law or fact, given
2 Plaintiff's *pro se* status and the imprecise nature of "good cause." Accordingly, *in forma pauperis*
3 status should not be revoked and should continue on appeal.

4
5 IT IS SO ORDERED.

6 Dated: September 10, 2021

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE